

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. No claims are amended. Accordingly, claims 1-11 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 101

Claim 11 is rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. In response, the Applicants amended the paragraph on page 12, line 33, through page 13, line 8, of the Specification to remove references to transmission technologies. In view of the amendment, the Applicants believe that claim 11 is now directed to statutory subject matter. Accordingly, reconsideration and withdrawal of the rejection of claim 11 are respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 1, 3-6, and 8-11 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2004/0037314 issued to Spear (hereinafter "Spear") in view of U.S. Patent Publication No. 2005/0008030 issued to Hoffmann et al. (hereinafter "Hoffmann"). To establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all of the claim limitations. See MPEP § 2142.

Claim 1, among other limitations, recites the elements of "a codec conversion table indicating a relationship between a first codec and a second codec in conversion from the first codec to the second codec," and "a data transformer, which searches the codec conversion table for a first codec using the caller's codec data as an index, adds a second codec corresponding to the searched first codec to the first call setting data to generate the second call setting data, searches the codec conversion table for a second codec using the callee's codec data as an index, and replaces the callee's codec data included in the first call response data with a first codec corresponding to the searched second codec to generate a second call response data." The Examiner on page 4 of the Office Action conceded that Spear fails to teach or suggest these

elements. In addition, Hoffmann fails to teach these missing elements as well. Hoffmann, instead, teaches that the information related to *the codec used by each side is already known*. For example, Hoffmann states that “because the media gateways have a direct interface to the TDM side in each case . . . the coding on the TDM side of the media gateway is known.” See Hoffmann, paragraph [0028]. As a result, Hoffmann fails to teach or suggest the *means to recognize the information on the codec used by each side* as required by claim 1. Similarly, the Applicants note that Spear teaches that the information on the codec used by each side is already known. See Spear, paragraph [0018].

To illustrate the differences between the present invention and the cited art, since a media-gateway controller of claim 1 *does not have information on a codec* used by the caller and callee, the media-gateway controller recited in claim 1 includes *means to recognize the codec data* of the caller from the caller, and receives the first call response data including the codec data of the callee from the callee. Therefore, the media-gateway controller recognizes the information on the codec used by the caller and callee by the first call setting data and the first call response data.

In addition, the media-gateway controller includes *means to inform each side of the codec data of the other side*. In other words, the media-gateway controller generates the second call setting data including the codec data of the caller and a second codec of a codec conversation table corresponding to the codec data of the caller, and transmits the second call setting data to the callee. Further, the media-gateway controller *generates the second call response data* including a first codec of the codec conversion table corresponding to the codec data of the callee, and transmits the second call response data to the caller. As a result, the caller and the callee recognize the codec to use for the call setting and communicate by the second call setting data and the second call response data.

In contrast, each side in Spear and Hoffman does not need to inform each side of the information on the codec used by the other side, since the gateway already knows information on the codec used by each side. See Spear, paragraph [0018]; Hoffmann, paragraph [0028]. As a result, Spear in view of Hoffmann fails to teach or suggest the elements of “a codec conversion table indicating a relationship between a first codec and a second codec in conversion from the first codec to the second codec,” and “a data transformer, which searches the codec conversion

table for a first codec using the caller's codec data as an index, adds a second codec corresponding to the searched first codec to the first call setting data to generate the second call setting data, searches the codec conversion table for a second codec using the callee's codec data as an index, and replaces the callee's codec data included in the first call response data with a first codec corresponding to the searched second codec to generate a second call response data,” as recited in the claim. Thus, in light of at least the foregoing reasons, Spear in view of Hoffmann fails to teach or suggest each element of claim 1. In addition, claims 3-5 are not obvious over Spear in view of Hoffmann because of their dependencies on claim 1. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3-5.

In regard to independent claims 6 and 11, these claims recite analogous limitations to those of claim 1. Therefore, for at least the reasons mentioned in connection with claim 1, Spear in view of Hoffmann fails to teach or suggest each element of claims 6 and 11. In addition, claims 8-10 are not obvious over Spear in view of Hoffmann because of their dependencies on claim 6. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6 and 8-11.

III. Allowable Subject Matter

The Applicants respectfully acknowledge with appreciation the Examiner's indication that claims 2 and 7 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 2 and 7 depend from base claims 1 and 6, respectively, and incorporate the limitations thereof. As previously discussed, claims 1 and 6 are not obvious in view of the prior art. Thus, for at least the reasons that claims 2 and 7 depend from an allowable base claim, the Applicants believe claims 2 and 7 are patentable over the cited art without rewriting the claims in the manner proposed by the Examiner. Accordingly, the Applicants respectfully request consideration and allowance of claims 2 and 7 at the Examiner's earliest convenience.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/4, 2007

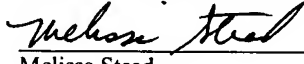
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(310) 207-3800



Eric S. Hyman, Reg. No. 30,139

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 4, 2007.

 9-4-07
Melissa Stead September 4, 2007